

DETAILED ACTION

Summary

1. Receipt of IDS filed on 05/27/08 and 01/02/09 is acknowledged.

Applicant's election without traverse of group I, claims 1, 3-10 and 22 in the reply filed on 01/07/10 is acknowledged.

Claims **1, 3-10 and 22** are under consideration.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

3. Claims 1, 3-10 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Niemi et al. (USP 6,342,205). in view of Masters et al. (USP 5,601,803).

Niemi teaches high water content dentifrice composition (tooth paste) comprising water content greater than 50 % by weight, Abstract. The abrasive is in amount of 8 to 18% by weight, silica thickener in amount 8 to 15% by weight, binder in about 0.5% to about 1.5%, polyol humectant in about 1% to about 20%, see column 2, lines 35-45. Table 1 teaches zeodent 165 (claimed as silica abrasive) and zeodent 113 (claimed as

thickener silica). Flavor is included in table 1. Polyethylene glycol is added to the composition (reads on surfactant) in column 2, lines 5-7. Sodium lauryl sulfate is added to the composition (see table 1). The reference teaches utilization of cellulose gum, xanthan gum, carrageenan etc. in column 5, lines 55-60.

The reference does not teach the claimed percentages of abrasive silica or thickener and claimed viscosities. Niemi does not teach microcrystalline cellulose.

Masters teaches silica dentifrice comprising microcrystalline cellulose which provides less stringiness to dentifrice, Abstract. Masters teaches thickener sylox in 2.5% by weight amount which falls within the claimed (less than 15%) and shows viscosity in the range of 39-175 cps initial viscosity, See column 2, lines 16-22.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate microcrystalline cellulose in the teachings of Niemi et al. to reduce stringiness of the composition motivated by the teachings of Masters et al. Since masters teaches thickener sylox in 2.5% by weight amount and viscosity from 39-175cps which falls within the claimed (less than 15% amount of silica thickener and less than 200,000cp viscosity), optimization of amounts of abrasive silica and thickener to optimize viscosity would have been obvious to one of ordinary skill by doing experimental manipulations absent evidence of criticality shown by applicants. From the teachings of the reference, it is apparent that one of ordinary skill in the art would have had a reasonable expectation of success in producing the claimed invention. Therefore, the invention as a whole would have been prima facie obvious to

one of ordinary skill in the art at the time the invention was made, as evidenced by the references, especially in the absence of evidence to the contrary.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Snigdha Maewall whose telephone number is (571)-272-6197. The examiner can normally be reached on Monday to Friday; 8:30 a.m. to 5:00 p.m. EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Frederick Krass can be reached on (571) 272-0580. The fax phone number for the organization where this application or proceeding is assigned is 571-273-0580. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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